

women lawyers JOURNAL



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SPRING 2004



Justice Alma López with NAWL member Selma Moidel Smith during NAWL's Midyear Luncheon in San Antonio.

In this Issue

NAWL's Midyear Meeting

**Honoring
Justice Alma L. López**



Taking Charge of Your Career:

**NAWL Seminar Offers Career
Development Insight to Women
Attorneys**

Also In This Issue

**NAWL's Law Firm Assessment
Questionnaire**

**World Hunger - The Slow and
Silent Killer**



Attendees enjoy NAWL's seminar, Taking Charge of Your Career, held on March 12, 2004 in Washington, DC.



NAWL's Annual Meeting

Atlanta, Georgia

August 5-8, 2004

Join NAWL for our 2004 Annual Meeting on August 5-8 and enjoy the charming city of Atlanta, meet NAWL's officers and work the shape the organization's national agenda.

Annual Luncheon

Friday, August 6, 2004 ~ 12:15-1:45pm

The Commerce Club, 34 Broad Street NW, Atlanta, GA 30303

The luncheon is co-sponsored by the National Conference of Women's Bar Associations, Georgia Association of Black Women Attorneys, Georgia Association for Women Lawyers and National Association of Women Judges.

President's Reception

Thursday, August 5, 2004 ~ 5:30-7:00pm

Nelson Mullins Riley & Scarborough, 999 Peachtree Street, N.E., Suite 1400, Atlanta, GA 30309

*Welcome NAWL's incoming President **Stephanie A. Scharf** and salute outgoing President **Zoe Sanders Nettles** at the Annual President's Reception.*

***Executive Board Meetings**

Thursday, August 5, 2004 ~ 2:00-4:00pm

Nelson Mullins Riley & Scarborough, 999 Peachtree Street, N.E., Suite 1400, Atlanta, GA 30309

Saturday, August 7, 2004 ~ Time: 9:00am-12:00pm

Nelson Mullins Riley & Scarborough, 999 Peachtree Street, N.E., Suite 1400, Atlanta, GA 30309

****General Assembly**

Thursday, August 5, 2004 ~ 4:00-5:00pm

Nelson Mullins Riley & Scarborough, 999 Peachtree Street, N.E., Suite 1400, Atlanta, GA 30309

**Executive Board Meetings are only open to NAWL Executive Board Members*

***The General Assembly is open to all NAWL members.*

Other Annual Meeting Events

ABA Commission on Domestic Violence

August 7, 2004

Panel Presentation: Violence Against Women & the Law - Ten Years Later

2:00pm-4:00pm, Presidential CLE Center

Reception

4:00pm-6:00pm, Presidential CLE Center

The Violence Against Women Act and the Commission on Domestic Violence celebrate 10 years of existence this year.

Panelists for this program will review the accomplishments of the Act and other domestic violence efforts and look forward to the future and how domestic violence victims will continue to be served and aided. For more information please visit

<http://www.abanet.org/domviol/home.html>.

National Conference of Women's Bar Associations

August 6, 2004

The Secrets of Our Success ~ Women's Bar Leadership Summit 2004

The Commerce Club, 34 Broad Street NW, Atlanta, GA 30303

The Summit is a day when leaders of women's bar associations across the country meet and discuss their successes as well as problem areas, in hopes that the discussion will bring about and encourage new ideas for those who attend. For more information please visit www.ncwba.org.

Tickets to NAWL events may be purchased online at www.nawl.org or by contacting NAWL at (312) 988-6186 or nawl@nawl.org.

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Women Lawyers Journal

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About NAWL

Founded in 1899, NAWL is a professional association of attorneys, judges, law students and nonlawyers serving the educational, legal and practical interests of the organized bar and women worldwide. *Women Lawyers Journal*®, *National Association of Women Lawyers*®, *NAWL*®, and the *NAWL seal* are registered trademarks. ©2003 National Association of Women Lawyers. All rights reserved.

How to contact NAWL

By mail: 750 N. Lake Shore Drive 12.4, Chicago, IL 60611-4497; by telephone: (312) 988-6186; by fax: (312) 988-6281; by e-mail: nawl@nawl.org.

About Women Lawyers Journal

EDITORIAL POLICY *Women Lawyers Journal* is published for NAWL® members as a forum for the exchange of ideas and information. Views expressed in articles are those of the authors and do not necessarily reflect NAWL® policies or official positions. Publication of an opinion is not an endorsement by NAWL®. We reserve the right to edit all submissions.

ARTICLES Book reviews or articles about current legal issues of general interest to women lawyers are accepted and may be edited based on the judgment of the editor. Editorial decisions are based upon potential interest to readers, timeliness, goals and objectives of the association and quality of writing. No material can be returned unless accompanied by a self-addressed, stamped envelope.

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Editor's Note

by **Ellen A. Pansky**

Here in the United States in 2004, we face new challenges as women, as members of a legal profession, as a privileged class in the world. Our nation is currently involved in a war not everyone supports; racial, gender and class inequality persist; women continue to be subjugated — including in the limitations on reproductive freedom; world poverty continues unabated; and many of us feel powerless to affect change.

Yet, we try to do so, with some success. Women and people of color continue to make inroads into leadership positions, in this and many other countries. Westernized countries send lawyers and judges into developing countries to help write constitutions, form governments, balance power, and empower the masses with democratic processes. We provide free press to shine light on rape, oppression, false imprisonment, mutilation, and all the horrific, concealed injustices that for long remained hidden.

We also continue to struggle with personal challenges. How can we fulfill our professional aspirations and also maintain a happy family life? Is it possible to do both? Here we are, lawyers and judges, educated and sophisticated people, still juggling weighty responsibilities and wondering, "Am I doing it right?"

Into this complex situation, we offer certain tried-and-true suggestions: Give back. Be appreciative. Help others. Be true to yourself. Give yourself a break. NAWL presents examples of those who have managed to balance their lives, and offers tools to assist its members to accomplish their goals.

Exhibit "A" is Presiding Chief Justice Alma L. López of the Fourth District court of Appeals of the State of Texas. This is one impressive woman! If ever we sought a role model for a legal and personal life well lived, we have one in Justice López.

Exhibit "B" is NAWL's law firm management and leadership training programs. Under the able direction of NAWL President-Elect Stephanie Scharf (partner in Jenner & Block in Chicago), NAWL has instituted a practical, workable, long-overdue diagnostic tool for assessing law firm governance issues affecting women lawyers. NAWL also presented a tremendously successful law firm leadership training seminar in Washington D.C., with several more to follow in other locations throughout the country.

Exhibit "C" is NAWL President Zoe Sanders Nettles, who continues her professional duties as NAWL President, is a new mother of twins, and works as a partner in the South Carolina office of Nelson, Mullins, Riley & Scarborough. Zoe proves that we can do it all!

And to all of you, balancing family obligations and careers, pro bono activities and billable hours, bar association activities and, hopefully, some physical exercise, we salute you! Continue contributing to this wonderful society, and enjoy the fact that you are making a positive difference.

Ellen A. Pansky currently serves as the Editor of the Women Lawyers Journal and as Immediate Past President of NAWL. Ms. Pansky is a principal in the law firm of Pansky & Markle, which specializes in legal ethics and professional liability matters.



Chief Justice Alma L. López Accepts NAWL's President's Award

NAWL was pleased to present its President's Award to the Honorable Alma L. López, Presiding Chief Justice of the Fourth Court of Appeals of the State of Texas at the mid-year meeting in San Antonio. Presiding Chief Justice López was honored for her numerous contributions to the Texas judiciary and to the legal profession by NAWL and its co-sponsors of the awards luncheon, the National Conference of Women's Bar Associations, Texas Women Lawyers, and the Bexar County Women Lawyers Association. The luncheon, a complete sell-out, was attended by 70 people at the U.S. District Court Training Center.



NAWL Immediate Past President Ellen A. Pansky presents Justice Alma L. López with the President's Award.

NAWL Immediate Past-President Ellen A. Pansky introduced Presiding Chief Justice López, highlighting only a portion of Chief Justice López's many outstanding accomplishments. A native of Laredo, Texas, Justice López was appointed by Texas Governor Ann Richards as the first Hispanic woman to serve on the Fourth District Court of Appeals, and she has subsequently been re-elected to serve two full six-year terms. Before being appointed to the bench, Justice López practiced law for 25 years, with 20 of those as a sole practitioner.



Justice Alma L. López with her husband Emilio Cavazos at the NAWL Midyear Luncheon.

Among the published opinions for which Justice López is known, Pansky summarized the unanimous opinion drafted by Justice López in *Darty v. State of Texas*, in which a trial court ruling precluding an African American defendant from raising the defense of necessity was reversed; the appellate court expressly recognized that the issue whether Darty reasonably believed that he was in imminent harm of being harassed or injured by a police officer, as opposed to evading arrest, was properly one for the jury. Interestingly, other states have reached contrary holdings in cases involving a claim of necessity asserted by a person of color who had fled from law enforcement officers.

NAWL's 2004-2005 Executive Officers

The following slate has been presented by the NAWL Nominating Committee for election to the designated offices at NAWL's 2004 Annual Meeting.

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NAWL Welcomes New Law Firm Member

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Goodwin Procter is one of the nation's leading law firms, with over 500 attorneys and offices in Boston, New York, New Jersey and Washington, D.C. We serve a diverse and dynamic group of clients, ranging from fast-growth companies to Fortune 500 multinationals.

Our attorneys specialize in sophisticated transactional work, and we structure, negotiate and close some of the most complex deals in the marketplace. Our litigators handle high-stakes cases across the country, and we provide clients with aggressive, results-oriented representation. We combine in-depth legal knowledge with practical business experience, working tenaciously for clients whose problems and challenges we treat as our own.

A law firm is the sum of its people, culture and values. Our relationships with our clients (and with each other) are built on a foundation of communication, respect and trust. We take very seriously our personal and professional responsibilities. Goodwin Procter attorneys and staff contribute tens of thousands of hours annually to civic, charitable and community causes, both individually and through participation in our pro bono program. We are dedicated to maintaining a thriving, collaborative workplace, and we hire talented, motivated people committed to a meritocracy where diversity and teamwork are paramount.

We are a hard-driving, entrepreneurial and dynamic group, and we're proud of our reputation as a law firm that develops and delivers innovative solutions to complex legal problems. We challenge ourselves daily to exceed our clients' expectations.

Through The Glass Ceiling: Best Practices for Women Lawyers and Their Firms

by Stephanie A. Scharf, Lorelei S. Masters, and Nicole G. Berner, and
Cynthia J. Robertson

This article first appeared in the Legal Times on April 26, 2004 and is reprinted in this edition of the Women Lawyers Journal with the permission of the Legal Times.

How can a women lawyer best develop her career? What can law firms do to retain and promote women lawyers? These questions and many others were answered on March 12 at the conference, "Taking Charge of Your Career: Best Practices for Women Lawyers and Their Firms," sponsored by the National Association of Women Lawyers ("NAWL") and co-sponsored by an array of other women's bar groups including the Women's Bar Association of DC, the Women's Bar Association of Maryland, the ABA Commission on Women in the Profession, the Woman Advocate Committee of the ABA's Section of Litigation, the Women Rainmakers Committee of the ABA Law Practice Management Section, and the ABA Women's Business Law Network. Arnold & Porter and Jenner & Block LLP were premier law firm sponsors of the event. More than 200 people attended, largely from DC, representing lawyers at all levels of seniority.

The conference opened with chair and Jenner & Block partner Stephanie Scharf setting the context: while 60% of male and female law school graduates start out in private practice, several years later, there is a sharp divergence. In D.C., an average of only 16% of law firm partners are women, and in those firms with a second "equity" tier, the percent of women lawyers drops to single digits. Facing numbers like these, the driving force of the conference was to teach women lawyers what they can do to take charge of their careers, and what law firms can do to change that balance.

The opening panel, "Not What You Learned in Law School," covered obstacles to achievement as well as solutions.

Moderated by Nancy A. Sachitano, a partner at Stickler, Sachitano & Hatfield P.A., the panel covered such topics as the importance of mentors and role models; inclusion versus exclusion from formal networks; how to get

high-visibility assignments; how to overcome gender stereotyping; balance and quality of life; and what to do if facing discrimination or harassment. Isolation was identified as a key



NAWL President-Elect and National Program Chair, Stephanie Scharf, welcomes the attendees to the seminar.

obstacle for women in law firms, particularly women of color, who often have fewer role models. With respect to lack of mentors, panelist Jane DiRenzo Pigott, founder of consulting firm Fuse³, pointed out both the opportunities and obstacles mentors provide, which include fears by senior men of being misinterpreted, making inappropriate comments, and "making women cry," and how to overcome them.

Other panelists – Julie Day, a partner at Culin, Sharp & Autry PLC, Linda Oliver, a partner at Hogan & Hartson, and Ellen Ostrow, a lawyers "life coach" – agreed that, today, mentoring must be a team effort. Young attorneys need to be proactive in creating a team of people — what the panelists called a "personal advisory board" — to help them determine and reach their goals.

The perspective changed in the second session, entitled "What Can You Expect the Firm to Do for You?" which covered law firm policies and programs to advance women in the profession. Moderated by Deborah Schwager Froling of Hirschler Fleischer, the panel made

best practices

the “business case” for effective policies and programs, given the high attrition rates of women and minority lawyers at law firms. Each “lost” lawyer costs the average firm \$1 million in lost recruitment, training, and intangibles like client relationships.

The firms represented on the panel have taken a variety of creative approaches. Claire Reade described Arnold & Porter’s New Associate Committee, which provides formal opportunities for mentoring by partners. In addition, Arnold & Porter has a women’s forum that is organized by associates, not partners, which gives women associates an opportunity to raise issues of concern to them. Judith Harris described Reed Smith’s part-time practice. She advised women associates to “figure out what you want and ask for it!” Stephanie Tsacoumis described Gibson Dunn’s Career Development Committee, which gives feedback to young associates every six months, to enhance professional development and the quality of work.

Paulette Chapman, President of the Women’s Bar Association of the District of Columbia, presented the perspective of a smaller law firm. Although small firms often do not have the resources for the formal programs found in the large firms, Ms. Chapman noted that young attorneys at small firms are given a tremendous amount of responsibility early on and work closely with the partners, leading to ongoing mentoring and feedback.

Beth Levine, General Counsel of U.S. Pharmaceuticals, Pfizer Inc., gave the luncheon address. Ms. Levine described her decision to leave a law firm ten years ago because of the difficulty she encountered balancing life and work in a law firm. Ms. Levine attributed her success at Pfizer largely to her ability to lead others in the workplace and noted that most attorneys need to work to develop leadership skills. According to Ms. Levine, many women naturally have the attributes necessary



Beth Levine speaks to a crowded audience during lunch.

to be good leaders and, as such, they can be great assets to their organization, whether as in-house counsel or in law firms.

The third panel, moderated by Lorelei Masters, a partner at Jenner & Block, paired in-house counsel and outside lawyers to discuss a key aspect of careers: client relationships. After satisfying the baseline requirement of finding a lawyer with the right skill set, in-house counsel need lawyers who understand their business and also develop collegial relationships. Eunice Bumgardner of the Bureau of National Affairs and Deborah Israel of Piper Rudnick worked together for many years on activities for the WBA in DC before working on client matters. Patricia Merrill of General Electric Asset Management and Amy Williams of Hunton & Williams discussed how their client relationship developed over the years of working together on deals. Carole Jordan of Fannie Mae recalled how attending a CLE conference led to her meeting Lorelei Masters, and the beginning of an attorney client relationship.

On the practical side, the panelists advised the audience that an important part of business development involves asking for the business. Women often are reluctant to ask for business because they do not want to be perceived as exploiting personal relationships for personal gain. However, both in-house and outside counsel on the panel stressed that clients want to hear the question.

The fourth panel covered “Work/Life Balance: Opting In, Opting Out or Something In Between.” Moderator Jessie Liu, AUSA in DC, began by introducing Joan Williams, Professor of Law and Chair of the Program on Work/Life at American University in Washington D.C. Based on her substantial research, in partnership with Cynthia Calvert, Ms. Williams set out a basis for attaining a satisfying quality of life while practicing law. Chief among her recommendations was to assess personal needs first, and then negotiate with an employer, with no less zeal than a lawyer would on behalf of a client. Employers often will be more receptive than lawyers expect. When determining how many hours a woman would like to work if opting to go part-time, Ms. Williams advised not to neglect the non-billable hours that will almost certainly be part of your day-

to-day work life. Likewise, given the ebb and flow of many law practices, agreeing to an annual number of hours versus a weekly or monthly number of hours can often provide better flexibility. Ms. Williams also commended firms that designated a partner to oversee part-time attorneys' monthly billable hours, to protect against hours "creep" and to provide an advocate for in the firm for lawyers working a balanced-hours schedule.

Following Ms. Williams' presentation, members of the panel discussed their own perspectives on work/life balance. Carter Phillips, Managing Partner of the DC office of Sidley Austin Brown & Wood, reported that both men and women there have pursued part-time schedules. He felt such requests are more readily absorbed by large firms than at smaller firms where a part-time schedule might have greater impact. Cindy Robertson of Jenner & Block confirmed the flexibility of working at a large firm like Jenner & Block. She indicated that she and her husband, a non-attorney, each work half time while the other stayed at home to care for their infant son. Tamarra Matthews of Latham & Watkins offered that achieving work/life balance affects not only those with children, but those whose work commitments can prevent them from pursuing other interests as well. Dixie Johnson of Fried Frank offered the perspective of a mother who had survived working full time while raising her two teenage children. Ms. Johnson's words—"Do not quit during a 'nanny crisis!'"—resonated with many in the program's audience. Questions from the audience followed the panel's discussion.

At the end of the panel discussions, Chair Stephanie Scharf divided the panelists into small groups, each of which met and reported back on their discussions of the impediments to women's success in law firms and their solutions for the career-development and work-life concerns discussed during the conference. As impediments, the group identified not knowing the rules, unwillingness to delegate, lack of access to in-firm power structures and networks, lack of self-promotion, and lack of knowledge about how to market effectively. The identified strategies for success included creating a plan and your own opportunities, seeking mentors inside and outside the firm, keeping in contact with clients, promoting one's successes and strengths, taking on leadership opportu-

nities, and monitoring one's progress toward goals.

Law firm managers, take note! The groups also identified the opportunities and programs most needed at law firms. These included the need for: institutionalized programs and networks for women (both formal and informal), employee assistance, training on career and business development, identifying aspirations and goals, and (on the wish list side?) an in-house concierge.



During the final session of the day, small breakout groups discussed best practices for women lawyers and their firms.

NAWL plans similar events in upcoming months in other major cities around the country including New York City and Atlanta. NAWL has also developed a set of in house seminars for use in small workshop settings. For more information about NAWL and these upcoming conferences, visit NAWL's website at www.nawl.org.

Stephanie A. Scharf is a partner in Jenner & Block's Litigation Practice in the Chicago office. She co-chairs the Firm's Products Liability and Mass Tort Defense Practice and has been a member of the Firm's Management Committee. She is President-Elect of the National Association of Women Lawyers.

Lorelei S. Masters is a partner in Jenner & Block's Washington, D.C. office. She is a member of the Firm's Insurance Litigation and Counseling, Arbitration: Domestic and International, and Litigation Practices.

Cynthia J. Robertson is an associate in Jenner & Block's Washington, D.C. office. She is a member of the Firm's Litigation Practice.

Nicole G. Berner is an associate in Jenner & Block's Washington, D.C. office. She is a member of the Firm's Litigation and Insurance Litigation and Counseling, Arbitration: Domestic and International, and Entertainment and New Media Practices.

Food For Life – Food For Thought

By Eva Herzer

There is no human right which is more fundamental than that to life. The Universal Declaration of Human Rights, in article 7 provides that “everyone has the right to life, liberty, and security of person” and in article 25 it states that everyone has “the right to a standard of life adequate for the health and well being of himself and his family, including food.” Yet, the number one killer of human life in the world today is not war, accidents, or AIDS, but the lack of food. 24,000 people die every day due to lack of food. 800 million people go hungry every day, the majority of who are women and children. Children account for 300 million of the world’s hungry today. At the same time there is sufficient food in the world to nourish everyone alive today!

These are some of the horrifying facts I learned from Judith Lewis, the US-based director of the United Nation’s World Food Programme, who has spent 10 years in sub-Saharan Africa coordinating food aid to the world’s poorest people. War, she told us, accounts for only 8% of the hungry, 92% are hungry because they are simply too poor to acquire food. Hunger, she says, is a silent and slow killer which perpetuates poverty in seemingly endless cycles. An undernourished woman gives birth to an underweight baby. The child does not get enough nutrients to grow properly, she will not have the physical strength to work, be active and creative and will give birth to yet another underweight baby. Lack of nutrients, of course, also brings with it susceptibility to disease and the inability to fight off infections. The correlation between good nutrition and delaying the onset and death from AIDS, for example, is well established. It is thus not surprising that 95% of the 42 million people infected with HIV/AIDS live in poor countries. Further, of the 29 million HIV/AIDS infected people who live in Africa only 1% have access to anti-viral drugs. As a result 14 million children in sub-Saharan Africa have lost one or both parents to AIDS. In Zambia, for example, 1 million orphaned children live on the streets.

HIV/AIDS is so rampant in many African countries that almost 40% of women who come to pre-natal screenings test positive. Women in these Sub-Saharan counties tend to be twice as likely to be infected than men. To make things worse, there is a severe condom shortage, with 3 condoms available per man per year! The extent of human tragedy of this devastating cycle of poverty, hunger and disease is often hard to comprehend. Imagine, a 45 year old woman with AIDS, looking like a 90 year old, caring for 19 grandchildren because all of her children have already died of AIDS!

Unfortunately, the WFP, which was initiated 40 years ago when J.F. Kennedy sought a way for distributing US surplus food to the poor beyond our boundaries, today is primarily an emergency food response organization, with insufficient resources to undertake preventive development work. The WFP feeds 77 million people a year in 80 countries. They move 5000 trucks, 36 vessels and 50 airplanes a day to transport food around the world. Some of their past efforts have succeeded, not just in feeding hungry people, but in moving some countries from dependency on Food AID to food security (Greece, Brazil, Mexico, Swaziland, and Namibia, for example). The WFP delivers 326 million meals to schoolchildren a year, at a mere 19 cents per meal, or \$34 per child per year.

The real tragedy is that there is enough food and food generating resources in the world to feed us all at this time! That may change as the ground water tables are sinking by as much as 10 feet a year in many parts of Africa, Asia, Central and South American due to intensive irrigation as the population in the 49 poorest nations will most likely more than double in size to nearly 1.7 billion in the coming years. I asked Ms. Lewis what, in her opinion, the path is to reduce and eliminate world hunger, given our current world population. Her answer was simple and complex at once. She feels the problem is not lack of food resources, but

lack of political will. She believes that many developing nations lack the political will and technical resources to develop sustainable agricultural economies and that developed nations need to provide more technical assistance and resources to transport surplus food to regions in need of emergency food.

The US provides on half of the WFP's annual income. Yet, the Bush administration, which expended hundreds of billions in war and its aftermath in Iraq and Afghanistan, allegedly fighting terrorism, is renegeing on our past commitment to fight world hunger. Thus, the Bush administration has proposed to cut the US contribution to the WFP in half and the Republican Senate has further suggested that that half be cut to a quarter. At the same time, the US House of Representatives just blocked a contribution of \$50 million to the UN Population Fund, the largest multilateral organization providing population and family planning services to the world's poorest people.

If we want to create a stable, democratic world community free of terrorism, what we out to be doing is just the opposite. We

should increase our contributions to fighting world hunger so that sustainable agricultural programs can be developed around the world. Human security will never be achieved through wars and political manipulations, but only be providing to all of us, at a minimum, the food we need to be active. Without food, a human being has no opportunity to actualize her or his potential. Hunger and poverty only breed illness, endless cycles of suffering, and political instability. As advocates for human rights and advocates for our own security, this ought to be the most basic message we send to our elected representatives.



Eva Herzer is a mediator and attorney in Kensington, California. She chairs NAWL's International Law Committee. The statistics contained in this article are from the UN World Food Programme and UN Population Fund.

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NAWL Receives Generous Bequest from Estate of Mattie Belle Davis

The Honorable Mattie Belle Davis, a long time NAWL member, passed away on July 3, 2003 at the age of 93. Judge Davis served NAWL well as the Association's president from 1965-66, NAWL's delegate to the ABA House of Delegates from 1967-1975 and 1977-1987, and Editor of the *Women Lawyers Journal* from 1981-1982. She was also the founder and President of the Florida Association of Women Lawyers and a life member of the National Association of Women Judges.



Judge Mattie Belle Davis during her term as President of NAWL, 1965-1966.

NAWL is honored to have been remembered by Judge Davis, and the generous contribution of a portion of her estate will help NAWL continue the work of attaining equality for women in the profession and women worldwide.

Upcoming Events

The National Institute for Women Corporate Counsel ~ June 8-9, 2004 ~ Dallas, TX

<http://www.northstarconferences.com> or call 1-866-265-1975.

Plan now to attend and the return on this investment will be in powerful "take-home" knowledge, ideas, competitive intelligence and tools you can put to work immediately. This conference will contain segments that not only address management and leadership but substantive areas of law. Meet with corporate leaders in your choice of breakout roundtables to discuss Intellectual Property, Employment Law and Developing Litigation Skills and Trial Tactics.

The National Forum for Women In Law Firms ~ July 13-14, 2004 ~ Washington, DC

<http://www.northstarconferences.com> or call 1-866-265-1975.

What does it take to succeed in today's law firms? What are some top rainmaking strategies that will help win new business and build long-lasting relationships with clients? How can women integrate new diversity initiatives into existing organizational structures? Learn the answers to these and other compelling questions at the National Forum for Women in Law Firms.

National Association of Women Judges 26th Annual Conference ~ October 7-10, 2004 ~ Indianapolis, IN

www.nawj2004indy.org or (317) 231-7433

The Annual Conference is the NAWJ's premier event, bringing together hundreds of state and federal judges from throughout the country to interact and focus on NAWJ's commitment to ensure fairness and gender equality in American courts.

Taking Charge of Your Career: Best Practices for Women Lawyers & Their Firms ~ Oct 22, 2004 - New York City, NY

www.nawl.org or (312) 988-6186

Join NAWL for an all day program focused on the tools women need to succeed in law firms.

Panel discussions include:

- What Roles Do Women Play In Law Firms And What Needs To Change?
- Not What You Learned in Law School: The Skills and Information You Need to Progress and How to Get Them
- What Can You Expect the Firm to Do for You? Policies, Program and Mentoring for Success
- Developing Client Relationships: The Process, Practices and Impact on Your Career

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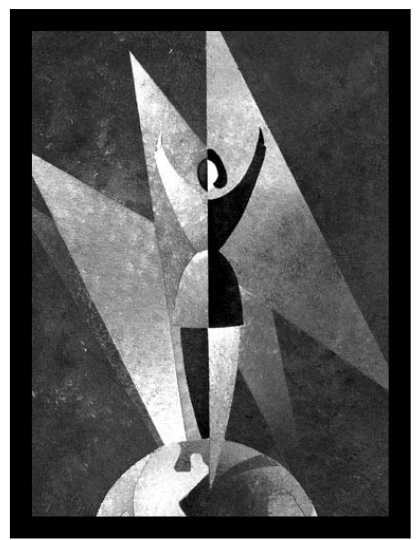
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Benchmarking for Success: Introducing NAWL Assessment Questionnaires: Tools for Retention and Advancement of Women in Private Practice¹

By Stephanie A. Scharf and Zoe Sanders Nettles²

Over the past year, NAWL has been on a mission: to develop programs and materials for use by individual lawyers and their employers to advance women in the legal profession. The March 12, 2004 seminar in Washington, D. C. entitled, *Taking Charge of Your Career: Best Practices for Women Lawyers and Their Firms*, detailed in this *Journal* on page 7, was the first in a series of programs devoted to the skills, practices and commitments needed to shape a satisfying and successful legal career. Similar programs are being planned for New York, Chicago, Toronto and Los Angeles.

The seminars build on recent studies about the status of women in the legal profession. Women are attending law school in equal numbers as men, and women law school graduates are being hired in numbers equal to men in just about every workplace: academia, government, not for profits, corporations and private practice.³ Women no longer face the baseline problem of getting in the door.

Raising the Bar to Success

That said, the influx of so many women into the profession has highlighted the next great hurdle: the movement of women into positions of power, leadership and decision-making.

The fact is that women are not as well represented in the top tiers of their organizations as the starting numbers suggest they should be.⁴ Ironically, it is private practice settings - where the large majority of women start their careers - that highlight the disparity between male and female careers. Indeed, the current gender differences in legal careers raise meaningful business issues for law firms.⁵

Within a few years of entry-level employment, the career patterns of men and women start to diverge. In practices around the country we see a similar pattern: women do not move up the ladder to positions of seniority and leadership at the same rate as men. The facts beg the question: why? Why do women not progress into leadership roles at

the same rate as law school graduation and entry-level job data would predict?

An Interactive Model of Career Development

There is a developing consensus of research and reports from a number of professional organizations that the models, policies and practices for advancing women in the profession need a serious overhaul. The traditional model, "if I work hard and do a good job, the rest will take care of itself," has failed to provide the expected successes. We at NAWL do not find that approach to be a feasible model of career development.

Instead, NAWL programming is founded on an interactive model, which recognizes the dynamics and interplay of the individual lawyer with the policies and values of her workplace and the larger professional world. One arm of the model, to be sure, embraces the individuals talents, skills and practices that a lawyer brings to her career, and importantly, is able to develop in the course of her career. But there is more.

Equally important are the programs, policies and opportunities provided by the employer; and the impact of a lawyer's personal and professional world - such as bar associations, voluntary and charitable organizations - outside of the workplace. This approach emphasizes that success does not happen in a vacuum. While NAWL has developed wonderful programs to teach women lawyers how to think about their careers, and what skills are needed, we also recognize the critical role played by employers in fostering successful careers.

That is why NAWL has developed tools to help private practice employers implement policies and practices that enhance the prospects for retaining and promoting women lawyers.

Systematic Tools to Benchmark Private Practice Settings, Programs and Policies for Career Development

Drawing on input from consultants and practitioners across the country, NAWL has designed two interrelated assessment tools: one a survey of individual lawyers, and the other a survey of the employer's career development programs. In combination, these tools allow an employer to understand the experiences that lawyers are having in critical areas of career development and to assess the effectiveness of a firm's formal programs and policies.

While geared to law firm settings, much of the content of both tools applies to corporate and not-for-profit settings, as well.

In the same vein, the model underlying these tools may be used to analyze the experiences not just of women lawyers but of all lawyers in the firm, whether members of underrepresented and minority groups or lawyers in the majority.

I. Surveying Career Development Experiences of Partners and Associates

The NAWL Lawyer Questionnaire allows an employer to understand the opportunities, events and barriers that lawyers in the firm - male and female, junior and senior - experience in the course of developing their careers. The Questionnaire, administered anonymously to lawyers at all levels of seniority, from young associates to law firm leaders, includes over 100 questions about the key factors that impact the prospects for retention and promotion of lawyers, especially women lawyers:

- ☞ Mentoring
- ☞ Client Relationships
- ☞ Development of Practice Skills
- ☞ Quality of Life
- ☞ Opportunities to Lead
- ☞ Gender stereotyping

As an example, we reproduce below the section on mentoring. The first inquiry is about whether a lawyer has ever experienced a mentoring relationship. Surprisingly, many report they do not and the lack of connection to a mentor is one of the many factors that cause lawyers to leave a firm.

The questions then turn to understanding what type of mentoring has occurred, how it was useful, what have been the advantages, how could mentoring work better, and much more:

MENTORING OF LAWYERS

7. Does the Firm have a formal mentoring program?

- A. Yes
 - B. No
 - C. If yes, is the program firm wide or limited to certain areas?
 - 1. Firm-wide
 - 2. Limited to certain areas
 - D. If limited, list the areas where the mentoring program is active:
-

8. If the firm has a formal program: How well would you say the Firm's formal mentoring program works, on a scale of 1 to 7, with 1 being the lowest and 7 the highest:

- 1 2 3 4 5 6 7

9. What aspects of the program would you suggest need improvement?

10. What aspects of the mentoring program would you say work well?

11. Whether or not the Firm has a formal mentoring program, are there one or more lawyers in the Firm who have served as a mentor to you personally?

- A. Yes B. No

12. If yes, how many?

13. For each mentor that you have had, please describe the following:

For Mentor 1:

- A. Gender: Male Female
- B. How mentor relationship developed
 - 1. In course of working together
 - 2. Assigned by the Firm
 - 3. Assigned by practice group leader
 - 4. You initiated the mentor relationship
 - 5. Other: _____

C. Area(s) of mentoring:

- 1. Training in an area of legal practice
- 2. General professional development
- 3. Client relationships
- 4. Networking in community
- 5. Participation in bar associations

D. On a scale of 1 to 7, how helpful has this particular mentor been, with 1 being the lowest and 7 the highest:

- 1 2 3 4 5 6 7

E. If your mentor relationship did not work out as well as you would have liked, what do you see as the major reason?

[Same questions for Mentor 2, Mentor 3]

questionnaire

14. Going forward, would you find it helpful to have a mentor or is the idea of a mentor not worth the effort?
A. Would be helpful B. Not worth the effort
15. If your answer in the previous question is that a mentor would be helpful, please specify the principal area(s) where a mentor would be most helpful:
A. Training in an area of legal practice
B. General professional development
C. Client relationships
D. Networking in legal community
E. Participation in bar associations
F. Other: _____
16. Would you prefer a mentor who is male or female?
A. Male
B. Female
C. No preference
D. Please explain your answer: _____
17. Do you believe that women and men lawyers are given the same mentoring at the Firm?
A. Yes
B. No
C. If not, describe the difference: _____
18. If your mentor relationship has not been beneficial, what do you see as the major reason?

19. Do you believe there are male partners whom you can readily approach to be a mentor?
A. Yes B. No
20. Do you believe there are female partners whom can readily approach to be a mentor?
A. Yes B. No
21. Do you believe there are male partners in the Firm who are good role models?
A. Yes B. No C. Please explain: _____
22. Do you believe there are female partners who are good role models?
A. Yes B. No C. Please explain: _____
23. Do you believe there are male partners whom you can readily approach for career advice?
A. Yes B. No
24. Do you believe there are female partners whom you can readily approach for career advice?
A. Yes B. No
25. Do you think a firm-wide women's forum would be a helpful way to identify individuals who might be approachable as a mentor?
A. Yes B. No
26. Do you think a firm-wide forum that includes men and women would be a helpful way to identify individual who might be approachable as a mentor?
A. Yes B. No
27. Do you think that small groups of 10 to 15 participants that meet on a regular basis would be helpful in creating mentor relationships?
A. Yes B. No
28. Would you prefer a mentor who came from outside of the Firm?
A. Yes B. No

The following questions are directed to partners in the firm:

29. Have you ever been a mentor for a lawyer?
 A. Yes B. No
 Please describe your most recent mentoring relationship:

30. Are you currently a mentor?
 A. Yes B. No
31. My mentee is
 A. Male B. Female
32. The mentoring relationship developed
 A. In course of working together
 B. Assigned by the Firm
 C. Assigned by practice group leader
 D. You initiated the mentor relationship
 E. The mentee initiated the relationship
 F. Other: _____
33. What are the areas in which you have mentored?
 A. Training on specific legal matters
 B. General professional development
 C. Client relationships
 D. Networking in community
 E. Participation in bar associations
 F. Other: _____
34. On a scale of 1 to 7, how effective do you think the mentoring process has been to the mentee, with 1 being the lowest and 7 the highest?
 1 2 3 4 5 6 7
35. If the mentor relationship was less effective than you would have liked, what do you see as the major reason? _____
36. In what areas do you think a mentoring relationship is most helpful?
 A. Training on specific legal matters even though the mentor was not assigned to the matter
 B. General professional development
 C. Client relationships
 D. Networking in legal community
 E. Participation in bar associations
 F. Other: _____
37. Would you have preferred to mentor a male lawyer or a female lawyer?
 A. Male B. Female C. No preference
 D. Please explain your answer: _____
38. What are the reasons that you believe the mentoring relationship was or was not successful? _____
39. If the mentoring relationship was not successful, what were the obstacles to its success?
40. What were some of the things that you did as a mentor that worked? _____
41. What did not work? _____
42. Would you be willing to be a mentor to a less experienced lawyer in the future?
 A. Yes B. No C. If not, why not? _____
43. Would you prefer to mentor someone outside of the Firm?
 A. Yes B. No C. Explain: _____

questionnaire

By collating responses in the key areas of career development — client relationships, practice skills, quality of life, opportunities to lead, and gender stereotyping — a firm can receive a picture of the day-to-day career dynamics for associates and partners. That information, in turn, can be the building blocks for more effective career development policies and programs.

II. Surveying the Firm's Formal Programs and Policies

In conjunction with the Lawyer Questionnaire, NAWL has developed a second assessment tool: the Law Firm Questionnaire. This tool allows a firm to organize and analyze information about formal programs and policies, to understand how well those programs are working and determine what changes may help the programs better achieve the firm's goals for retention and promotion.

Here, we have in mind programs geared to:

- ☞ Practice development
- ☞ Part time employment/part time partnership.
- ☞ Flex time and other work/life balance programs
- ☞ Formal mentoring
- ☞ Continuing education
- ☞ Career counseling
- ☞ Other programs developed to enhance diversity at all levels of seniority

These two tools together — the Lawyer Questionnaire and the Law Firm Questionnaire — provide the basic information a firm can use to benchmark where it stands and where it wants to go in helping women lawyers develop careers at the firm. Both tools fit the goal of all of NAWL's various programs to help foster the best practices, among women lawyers and their employers, to frame successful, and satisfying legal careers

For information about use of the NAWL Lawyer and Law Firm Assessment Questionnaire, please contact the Executive Director of NAWL at nawl@nawl.org.

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² Stephanie A. Scharf and Zoe Sanders Nettles biographies.

³ See, e., g., American Bar Association, Commission on Women in the Profession, "Statistics About Women in the Law", www.abanet.org/women/goalix; NALP, "Employment Patterns – 20 Year Trends", www.nalp.org; EEOC Report, "Diversity in Law Firms," 2003.

⁴ In addition to sources in Note 3, see also, e.g., Upano, "Breaking Into the Boys Club," *Legal Business*, Nov. 10, 2003; and Hill and Nelson, *Social Forces*, September 2000, 79:229-64; Epstein, et. Al., "Glass Ceilings and Open Doors: Women's Advancement in the Legal Profession," Report to the ABCNY, 1995.

⁵See, Catalyst, *Women in law: Making the Case*, 2001

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In-House Programs for the Retention and Promotion of Women Lawyers

As part of its mission to promote the advancement of women in the law, NAWL® is offering two types of in-house programs, designed for private practice settings. We encourage you to contact NAWL for additional information about program content, personnel and cost.

Six Workshops Series

The Series combines six workshops in an integrated program for career development targeted to mid-level associates and junior partners. Participation is in small group of lawyers at roughly the same level, e.g., a group of 10 mid-level associates; 8 young partners. The six sessions consist of:

- (a) Two sessions of counseling about the legal and interpersonal skills needed to develop a law firm career, the Firm's expectations and culture, what is needed to progress and how to overcome barriers. Part of these sessions include interactive training on skills generally needed by lawyers in private practice, such as "public speaking," "client meetings" or "networking."
- (b) Four sessions of tailored coaching on career development plans:
 - (i) One session shows how to create an individualized career plan, including concrete goals and a schedule of action needed to implement a plan.
 - (ii) One session reviews the action plans created by workshop participants.
 - (iii) Two sessions are "check in" sessions, to keep the plans on track.

Programs and Policies Analysis

Designed as an adjunct to the Six Workshop Series, the Program and Policies Analysis benchmarks the Firm's programs for the retention and promotion of women lawyers. The target audience is Firm management. The goals are to assess the use and impact of current programs, whether programs are functioning over time as the Firm anticipated, and whether program changes or additions make sense for the Firm. NAWL has developed two tools to assist in the analysis:

- (a) **Lawyer Questionnaire.** A survey questionnaire, directed to all lawyers in the Firm, concerning the key areas of firm life that impact the retention and promotion of lawyers: Mentoring, Client Relationships, Development of Practice Skills, Quality of Life, Opportunities to Lead, Gender Stereotyping. Individual responses are anonymous and results can be collated for various areas of the Firm, e.g., litigation, transactions, practice groups; and comparing experiences of women and men.
- (b) **Law Firm Questionnaire.** An instrument for collating the current use and impact of Firm programs directed towards career development.

In combination, the Lawyer Questionnaire and the Law Firm Questionnaire provide an objective means of evaluating a firm's current career development policies and programs based on data about actual experiences and use of firm resources. NAWL can provide feedback about the effectiveness and strengths of existing programs, and recommend changes or additions tailored to the firm's needs.

A key aspect of both the Six Workshops Series and the Policies and Program Analysis is NAWL's ability to design programs targeted to the needs of an individual Firm. While the descriptions here representative a model for programming, each of the programs can be tailored to meet a Firm's specific goals and needs.

NAWL NETWORKING DIRECTORY

PRACTICE AREA KEY

ACC	Accounting
ADO	Adoption
ADR	Alt. Dispute Resolution
ADV	Advertising
ANT	Antitrust
APP	Appeals
ARB	Arbitration
BDR	Broker Dealer
BIO	Biotechnology
BKR	Bankruptcy
BNK	Banking
BSL	Commercial/Business Lit.
CAS	Class Action Suits
CCL	Compliance Counseling
CIV	Civil Rights
CLT	Consultant
CNS	Construction
COM	Complex Civil Litigation
CON	Consumer
COR	Corporate
CRM	Criminal
CUS	Customs
DOM	Domestic Violence
EDU	Education
EEO	Employment & Labor
ELD	Elder Law
ELE	Election Law
ENG	Energy
ENT	Entertainment
EPA	Environmental
ERISA	ERISA
EST	Estate Planning
ETH	Ethics & Professional Responsibility
EXC	Executive Compensation
FAM	Family
FIN	Finance
FRN	Franchising
GAM	Gaming
GEN	Gender & Sex
GOV	Government Contracts
GRD	Guardianship
HCA	Health Care
HOT	Hotel & Resort
ILP	Intellectual Property
IMM	Immigration
INS	Insurance
INT	International
INV	Investment Services
IST	Information Tech/Systems
JUV	Juvenile Law
LIT	Litigation
LND	Land Use
LOB	Lobby/Gov Affairs
MAR	Maritime Law
MEA	Media
MED	Medical Malpractice
M&A	Mergers & Acquisitions
MUN	Municipal
NET	Internet
NPF	Nonprofit
OSH	Occupational Safety & Health
PIL	Personal Injury
PRB	Probate & Administration
PRL	Product Liability
RES	Real Estate
RSM	Risk Management
SEC	Securities
SHI	Sexual Harassment
SPT	Sports Law
SSN	Social Security
STC	Security Clearances
TAX	Tax
TEL	Telecommunications
TOL	Tort Litigation
TOX	Toxic Tort
TRD	Trade
TRN	Transportation
T&E	Wills, Trusts & Estates
WCC	White Collar Crime
WOM	Women's Rights
WOR	Worker's Compensation

The NAWL Networking Directory is a service for NAWL members to provide career and business networking opportunities within the Association. Inclusion in the directory is an option available to all members, and is neither a solicitation for clients nor a representation of specialized practice or skills. Areas of practice concentration are shown for networking purposes only. Individuals seeking legal representation should contact a local bar association lawyer referral service.

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DOMESTIC VIOLENCE AND THE LAW
The American Bar Association Commission on Domestic Violence

**In Honor of its Tenth Anniversary Announces
A Law Student Writing Competition In Memory of Bette Garlow**

Law school students are invited to submit legal articles from a national or international perspective on domestic violence and the law

AWARDS

First Place Award & Presentation

The paper of the first place winner will be published in the National Association of Women Lawyers' publication, *Women Lawyers Journal*. The first place winner will be invited to receive his or her award at a reception celebrating the 10 Year Anniversary of the Commission on Domestic Violence at the ABA Annual Meeting, Atlanta, Georgia, on August 7, 2004. The Commission on Domestic Violence will cover costs associated with attending the reception up to \$1,000.

Second and Third Place

The second and third place winners will receive a resolution from the ABA Commission on Domestic Violence confirming second or third place in the competition.

Guidelines

Domestic Violence and the Law should be considered from a national or international perspective. Maximum length of the paper is ten pages, double-spaced with one-inch margins. Writings should not have been previously submitted for publication. Participants must be enrolled in an ABA-accredited law school.

Judges

Members and Liaisons of the Commission on Domestic Violence will judge submissions.

Memorial

This competition is held in honor of Bette Garlow, who worked tirelessly on the issue of domestic violence, on many fronts, nationally and internationally until her untimely death on September 30, 2003. Bette was the Director of the Commission on Domestic Violence from February 1999 to April 2003.

Email submissions by June 15, 2004, to: Robin Runge, Director, Commission on Domestic Violence
runger@staff.abanet.org. **Questions:** Call the Commission at 202-662-1021, email mathewsd@staff.abanet.org, or see the Commission website at: www.abanet.org/domviol

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